

REMARKS

The Office Action dated November 12, 2009 (hereinafter, "Office Action") has been reviewed and the Examiner's comments considered. Claims 1-8 and 10-30 are pending in the application. Claims 2, 6, 7, 13, 15, 17-20, 25, and 28 are withdrawn. Claims 1 and 11 are amended herein support for which can be found in the originally filed application at, for example, page 8, lines 4-25 and FIG. 2. Claims 14, 16, 21, and 30 are amended herein consistent with the Examiner's suggestion on page 2 of the Office Action. Applicants submit that no new matter is introduced.

Claim Objections

Claims 14, 16, 21, and 30 are objected to because "Applicant appears to use 'elongated member' and 'elongated body' interchangeably." (Office Action, p. 2.) The Office Action suggests that claims 14, 16, 21, and 30 be amended to consistently use a phrase to identify the "elongated body." Claims 14, 16, 21, and 30 are amended herein consistent with the Examiner's suggestion on page 2 of the Office Action. Accordingly, Applicants respectfully request that the Objections with respect to claims 14, 16, 21, and 30 be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 1, 3-5, 8, 10-12, 14, 16, 21-23, 26, 27, 29, and 30 stand rejected under 35 U.S.C. § 102(b) as being unpatentable over USPN 6,450,976 to Korotko et al. (hereinafter, "Korotko"). Applicants respectfully traverse this rejection.

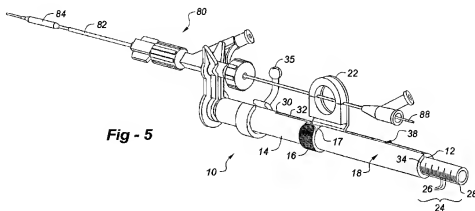
Amended independent claim 1 recites, *inter alia*, "[a] safety clip . . . comprising . . . an attachment member including a gripping jaw and a bore adjacent the gripping jaw, wherein the elongate body is disposed in the bore."

Similarly, amended independent claim 11 recites, *inter alia*, "[a] safety clip . . . comprising . . . an attachment member including a gripping jaw and a bore adjacent the gripping jaw, wherein the elongate body is positioned through the bore."

The Office Action alleges that Korotko teaches “an attachment member (35).” (Office Action, p. 3.) Korotko, however, does not teach an attachment member as recited. Further, Korotko does not teach an attachment member “including a gripping jaw and a bore adjacent the gripping jaw, wherein the elongate body is disposed in the bore” as recited in claim 1 or “including a gripping jaw and a bore adjacent the gripping jaw, wherein the elongate body is positioned through the bore,” as recited in claim 11. Korotko states that:

The outer barrel 14 further defines a guidewire hook 35, shown in FIGS. 5 and 6. The guidewire hook 35 is an outwardly extending projection, or projections, that extend away from the body of the outer barrel 14. Preferably, the *guidewire hook 35 clips to the outer barrel 14*, enabling the guidewire hook 35 to be located at any position along the length of the outer barrel. Alternatively, the guidewire hook 35 can be integrally formed in or attached to the outer barrel 14. In any case, the guidewire hook 35 is fashioned in a manner so as to allow it to receive a guidewire during a measurement procedure and retain the guidewire in a stationary position until measurement is complete.

(Korotko, col. 4:4-14, emphasis added.)



As illustrated in FIG. 5 of Korotko, reproduced above, the guidewire hook 35 is clipped onto the outer barrel 14 by pressing the open portion of the hook 35 against the outer barrel 14 and forcing the outer barrel into the central portion of the hook 35. As such, the guidewire hook 35 does

not include “a gripping jaw and a bore adjacent the gripping jaw” as recited in claims 1 and 11. First, the Korotko hook 35 is not a gripping jaw. A gripping jaw grips forward of an axis that is separate from the jaw portion, as illustrated in FIG. 7 (which further illustrates a portion of FIG. 2). Differently, the guidewire hook 35 snaps into place over the outer barrel and is held in position due to the similarity in size in comparison thereto. Second, even assuming *arguendo* that the clip portion of the hook could be considered a gripping jaw, the Korotko hook does not include a bore adjacent to the clip portion, and therefore does not have an elongate body that is “disposed in the bore” or “positioned through the bore” as recited in independent claims 1 and 11.

Accordingly, in view of the above, independent claims 1 and 11 are patentable over Korotko as Korotko does not show or describe each of the limitations thereof. Dependent claims 3-5, 8, 10, 12, 14, 16, 21-23, 26, 27, 29, and 30 are patentable because they depend from a patentable independent claim, and also because they recite features not shown or described by the cited art. Therefore, Applicants request favorable reconsideration and withdrawal of the rejections under 35 U.S.C. § 102.

Claim Rejections – 35 U.S.C. § 103

Claim 24 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Korotko in view of USPN 4,976,721 to Blasnik et al. (hereinafter, “Blasnik”). Applicants respectfully traverse this rejection. Without conceding the assertions made in the Office Action with respect to the allegedly disclosed subject matter, Applicants submit that the rejected claim depends from a patentable independent claim, in view of the above, and is therefore patentable. Accordingly, Applicants request favorable reconsideration and withdrawal of the rejections under 35 U.S.C. § 103.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue. If it is

determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

It is noted that the remarks herein do not constitute, nor are they intended to be, an exhaustive enumeration of the distinctions between the cited references and the claimed invention. Rather, the distinctions identified and discussed herein are presented solely by way of example. Consistent with the foregoing, the discussion herein should not be construed to prejudice or foreclose future consideration by Applicants of additional or alternative distinctions between the claims of the present application and the references cited by the Examiner and/or the merits of additional or alternative arguments.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2191, under Order No. 101671.0010P from which the undersigned is authorized to draw.

Dated: February 12, 2010

Respectfully submitted,

Electronic Signature: /Todd W. Wight/
Todd W. Wight

Registration No.: 45,218
RUTAN & TUCKER
611 Anton Blvd, Suite 1400
Costa Mesa, California 92626
(714) 641-5100
Patents@Rutan.com